

# Elko County School District



DOCKET FILE COPY ORIGINAL

## Central Administrative Office

Telephone: (775) 738-5196 • Fax: (775) 738-5857  
P.O. Box 1012 • Elko, Nevada 89803

June 2, 2000

Federal Communication Commission  
Office of the Secretary  
445 12<sup>th</sup> Street  
S.W. Room TW-A325  
Washington, D.C. 20554

RE: In the matter of: Request for review by Elko County School District of Decision of Universal  
Service Administrator - reference FCC Docket Numbers: 97-21 and 96-45

Dear Sir:

I am requesting a review of the SLC denial of our appeals on the following e-rate applications:

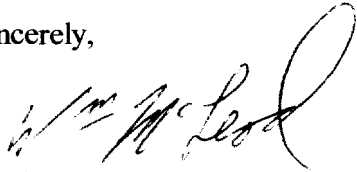
1. Billed Entity: 143437  
Application Number: 150801  
Funding Request Number: 291632
2. Billed Entity: 143737  
Application Number: 150814  
Funding Request Number: 289968
3. Billed Entity: 143437  
Application Number: 150803  
Funding Request Number: 289953

These appeals were denied on the basis that "no contract or legally binding obligation was in place" as explained in Attachment A, the attached Administrator's Decision on Appeal Letters. I feel that we provided sufficient explanations to be considered as a "out reach case" due the small, rural nature of our school district and the explanations of why we had not entered into a binding contract in Attachment B, letter of appeal. We had complied with the 28 day posting requirement as evidenced by Attachment C, on line copy of posting our applications document FCC Form 470. I feel due consideration of all the data provided was not accorded our school district. It is very unfortunate that a small, rural school district with limited staff to respond to all of the detailed and complex process of the e-rate application is denied an opportunity to provide funding for projects to help kids due to such technicalities.

No. of Copies rec'd 0  
List A B C D E

Should you need any additional information, please contact me at (775)738-5196.

Sincerely,

A handwritten signature in black ink, appearing to read "W. McLeod", with a large, stylized loop at the end.

William McLeod  
Director of Instruction

WM:lm

cc: Marcia R. Bandera, Superintendent  
United States Senator Harry Reed, Nevada  
United States Senator Richard Bryan, Nevada  
United States Congressman Jim Gibbons, Nevada

# ATTACHMENT A



UNIVERSAL SERVICE  
ADMINISTRATIVE CO.

**SCHOOLS AND LIBRARIES DIVISION**

Box 125 – Correspondence Unit  
100 South Jefferson Road  
Whippany, New Jersey 07981

**Administrator's Decision on Appeal**

May 11, 2000

William McLeod, Director of Instruction  
Elko County School District  
Central Administrative Office, PO Box 1012  
Elko, NV 89803

**RECEIVED**  
MAY 16 2000  
Elko County School District

Re: Billed Entity Number: 143437  
Application Number: 150803 *sage elem.*  
Funding Request Number(s): 289953  
Your Correspondence Dated: October 12, 1999

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has resolved your appeal seeking approval of additional discounts for the second program year. This letter addresses our decision concerning each Funding Request Number that was included in your letter of appeal for the Application Number cited above. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number included in your appeal.

Funding Request Number: 289953  
Decision on Appeal: Denied in full.  
Explanation:

- Documentation provided during the initial review of this funding request indicated that no contract or legally binding obligation was in place with the provider listed on this FRN for the services requested. That documentation also indicated that bidding would commence subsequent to the approval of E-rate funding. Program rules require that the bid selection process (including posting of services on a 470 for 28 days) culminate with the selection of a vendor and documentation showing a commitment between the provider and applicant, except in the case of certain month-to-month phone services and month-to-month Internet access services.

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12<sup>TH</sup> Street, S.W., Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <[www.sl.universalservice.org](http://www.sl.universalservice.org)>. You must file your appeal with the FCC no later than 30 days from the date of the issuance of this letter, in order for your appeal to be timely filed.

You should now move ahead, if you haven't already done so, with your Form 486 and related post-commitment arrangements for services for which funds have been committed and services have begun to flow. We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

**RECEIVED**  
MAY 16 2000  
Elko County School District



UNIVERSAL SERVICE  
ADMINISTRATIVE CO.

## SCHOOLS AND LIBRARIES DIVISION

Box 125 – Correspondence Unit  
100 South Jefferson Road  
Whippany, New Jersey 07981

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### Administrator's Decision on Appeal

May 11, 2000

William McLeod, Director of Instruction  
Elko County School District  
Central Administrative Office, PO Box 1012  
Elko, NV 89803

Re: Billed Entity Number: 143437  
Application Number: 150814 *Drummer #2*  
Funding Request Number(s): 289968  
Your Correspondence Dated: October 12, 1999

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has resolved your appeal seeking approval of additional discounts for the second program year. This letter addresses our decision concerning each Funding Request Number that was included in your letter of appeal for the Application Number cited above. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number included in your appeal.

Funding Request Number: 289968  
Decision on Appeal: Denied in full.  
Explanation:

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MAY 16 2000  
Elko County School District

- Documentation provided during the initial review of this funding request indicated that no contract or legally binding obligation was in place with the provider listed on this FRN for the services requested. That documentation also indicated that bidding would commence subsequent to the approval of E-rate funding. Program rules require that the bid selection process (including posting of services on a 470 for 28 days) culminate with the selection of a vendor and documentation showing a commitment between the provider and applicant, except in the case of certain month-to-month phone services and month-to-month Internet access services.

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Schools and Libraries Division  
Universal Service Administrative Company

**RECEIVED**  
MAY 16 2000  
Elko County School District



UNIVERSAL SERVICE  
ADMINISTRATIVE CO.

**SCHOOLS AND LIBRARIES DIVISION**

Box 125 – Correspondence Unit  
100 South Jefferson Road  
Whippany, New Jersey 07981

**Administrator's Decision on Appeal – Funding Year 1999-2000**

May 11, 2000

William McLeod, Director of Instruction  
Elko County School District  
Central Administrative Office, PO Box 1012  
Elko, NV 89803

Re: Billed Entity Number: 143437  
Application Number: 150801 *EJHS*  
Funding Request Number(s): 291632  
Your Correspondence Dated: October 12, 1999

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has resolved your appeal seeking approval of additional discounts for the second program year. This letter addresses our decision concerning each Funding Request Number that was included in your letter of appeal for the Application Number cited above. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number included in your appeal.

Funding Request Number: 291632  
Decision on Appeal: Denied in full.  
Explanation:

- Documentation provided during the initial review of this funding request indicated that no contract or legally binding obligation was in place with the provider listed on this FRN for the services requested. That documentation also indicated that bidding would commence subsequent to the approval of E-rate funding. Program rules require that the bid selection process (including posting of services on a 470 for 28 days) culminate with the selection of a vendor and documentation showing a commitment between the provider and applicant, except in the case of certain month-to-month phone services and month-to-month Internet access services.

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Schools and Libraries Division  
Universal Service Administrative Company

# ATTACHMENT B

# Elko County School District



## Central Administrative Office

Telephone: (775) 738-5196 • Fax: (775) 738-5857  
P.O. Box 1012 • Elko, Nevada 89803

October 12, 1999

Kate L. Moore, President SLD, USAC  
Letter of Appeal  
Schools and Libraries Division  
P.O. Box 125 - Correspondent Unit  
100 South Jefferson Road  
Whippony, New Jersey 07981

Dear Ms. Moore:

I am appealing the decision to deny funding for the following applications based upon your explanation of "no contract or legally binding obligation is in place":

<u>FRN</u>	<u>Application number</u>	<u>School</u>
291632	150801	Elko Junior High School
289869	150809	Wells Combined School
289953	150803	Sage Elementary School
289968	150814	Grammar School #2

Elko County School District is a rural school district located in northeast Nevada, comprised of 17,000 square miles, 10,159 students, seven small communities (Elko, Spring Creek, Wells, Jackpot, West Wendover, Carlin, and Owyhee), and seven remote rural school attendance areas (Jarbidge, O'Neil, Independence Valley, Mound Valley, Currie, Montello, and Ruby Valley). During the past two years we have experienced a decline in student enrollment from 10,624 in 1997-98 to 10,159 in 1999-2000. This decline of 465 students has significantly impacted the funding for the Elko County School District, as a large percentage of our operating budget comes via a per pupil allocation formula from the State of Nevada.

The rationale for our appeal is based on the following:

1. During the first round of e-rate funding, our district initiated projects totaling in excess of \$800,000. We submitted applications in April 1998 and were in a fiscal position to proceed with contracts as we worked our way through the cumbersome and slow process of round I e-rate approval. From the time we submitted applications

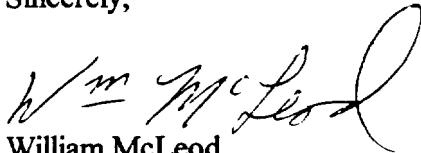
in April 1998 to the actual receipt of approved funding (\$606,000) in September of 1999 seventeen months had passed. The length of time it took to get our applications approved and actually receive reimbursement for completed projects put a strain on our cash flow.

2. As we entered year 2 of e-rate funding, we were experiencing a decline in revenues from the state for technology and our enrollment drop. As a result it became vital that we receive our year one e-rate funding commitment prior to proceeding with any year two projects to ensure we had funds to pay for year two projects. We became caught in a "catch 22" scenario on proceeding with any contracts for projects. Concerned over our district getting entangled in contracts for which we may not be able to pay or entering into contracts that we may not be able to initiate due to substantial delays in approval and funding as experienced in year one, we did not secure contracts. Of primary concern was entering into a contract and having a long period of time elapse before providing a notice to proceed. Under Nevada Statute, contracts normally are initiated within 60-90 days or contractors can void the contract. Last year we experienced at least a 6 month period of time between entering into a contract and knowing we had approval of e-rate funding. We were not in a fiscal position to proceed this current year as we had last year.
3. In two of our projects (Application 150803 and 150814) we (Elko County School District) are the contracting vendor for installations. Our computer system technicians and maintenance crew are the installers and we were waiting for approval prior to ordering equipment. I was not aware we had to enter into a "formal contract" with equipment suppliers. Commonly we acquire quotes or bids and then issue purchase orders for equipment purchases. As in item 2 we were concerned about funding availability prior to actually ordering any items.
4. We have a limited administrative staff to manage a variety of federal, state and local programs. We also have a limited budget for our district technical assistance. In my position, I supervise occupational programs, maintenance and operations for all district schools, new construction projects, state and federal school to career/vocational initiatives, and a variety of other responsibilities. As such, it has been a challenge to "stay on top" of a complicated program such as the e-rate. Apparently, I drew some assumptions in talking on the phone with various SLD personnel that our application did not "hinge" on actual contracts being in place prior to funding decisions and I assumed incorrectly.
5. Our district did in fact implement and complete five school internal connections projects last year (Southside Elementary, Owyhee, Jackpot, West Wendover Elementary, and Montello) that were approved under year one e-rate funding. I would hope that our successful administration of these projects would show we are capable of continuing with year two if funded.

In conclusion, I respectfully request that you consider our small, rural school district as a possible "out reach case" due to the explanations I have provided. Although challenged with limited fiscal resources, program personnel, and e-rate expertise, our district has been able to implement a progressive technology update program benefitting our rural students significantly. Hopefully a way can be found to continue the e-rate program in our district, as submitted.

Please contact me if I can provide any other information that may be of assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wm McLeod".

William McLeod  
Director of Instruction

cc: Marcia R. Bandera, Superintendent  
United States Senator Richard Bryan, Nevada  
United States Senator Harry Reid, Nevada  
United States Congressman Jim Gibbons, Nevada

# ATTACHMENT C

470

# Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 6.0 hours

This form is designed to help schools and libraries describe the eligible telecommunications-related services they seek so that this data can be posted on a website and interested service providers can identify the applicant as a potential customer and compete to serve it.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Posting Date: 01/28/1999
Allowable Contract Date: 02/25/1999
Certification Received Date: 01/29/1999

1. Name of Applicant: ELKO COUNTY SCHOOL DISTRICT	2. Funding Year: 07/01/1999 - 06/30/2000
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3a. NCES School Code (if individual school) Or NCES Library Code (if individual library) State: 32 - District: 00120 - School/Library:
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3b. Universal Service Control Number: 937630000158404	3c. Applicant ID Number: 143437
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4a. Type Of Applicant (Check only one box.)
<input type="radio"/> school <input checked="" type="radio"/> school district <input type="radio"/> library or library consortium under the LSTA <input type="radio"/> consortium of multiple entities

4b. If Applicant is a consortium, check all other boxes that apply:	
<input type="checkbox"/> includes non-governmental entities ineligible for support <input type="checkbox"/> entity desires separate bills for each member of consortium <input type="checkbox"/> entity desires separate bills for some members of consortium <input type="checkbox"/> region of a state <input type="checkbox"/> statewide <input type="checkbox"/> multi-state	<input type="checkbox"/> state educational agency <input type="checkbox"/> local educational agency <input type="checkbox"/> educational service agency

Street 1092 BURNS RD
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City ELKO	State NV	Zip Code 5Digit 89801	Zip Code 4Digit
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Telephone number Ext: (775) 7385196	E-mail Address elkosd@nsn.k12.nv.us
--	--

Street Address, P.O.Box, or Route Number (if different from Item 5)
---

Street: 1092 BURNS RD
--------------------------

City: ELKO	State NV	Zip Code 5Digit: 89801	Zip Code 4Digit:
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Fill in all of the following (if available), and check the preferred mode of contact:

<input type="radio"/> Telephone Number Ext: (775) 7385196	<input type="radio"/> Fax Number Ext: (775) 7385857	<input type="radio"/> E-mail address: bmcleod@nsn.k12.nv.us	<input type="radio"/> Mail:
--	--	--	-----------------------------

7a. Number of students: 10625	7b. Number of library patrons:
8. Number of buildings to be served: 125	9. Number of rooms to be served: 650

10. ☐ Check if applicant seeks discounts only for eligible services based on one or more existing, binding contract(s) and proceed to Block 4.

Sequence #	Date Contract Signed	Contract Termination Date
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11. ☒ Check here if you have a Request for Proposal(RFP) available. If RFP is posted on a website, provide the website address

(1)	(2)	(3)	(4)	(5)
	Existing Services	Additional Services Desired	Total Services Desired	Details(Optional)
a. Number of phones that have or require service (See instructions concerning extension phones and fax machines.)	210	0	210	
b. Number of computers that have or require service				
c. Number of high bandwidth video conferencing links				
d. Specify other (Optional)				
a. Number of buildings with at least some rooms connected				
b. Number of rooms connected	202	253	455	
c. Highest Speed of connection	10mb	100mb		
d. Specify other (Optional)				
a. Number of dial up connections necessary				
b. Highest speed of dial up connections				
c. Number of direct connections necessary	15	0	15	
d. Highest speed of such direct connections	T1	T1		
e. Specify other (Optional)				

15. You may provide additional summary information about the services you are requesting to help service providers identify your needs more precisely. You may provide technical requirements or give an informal description of your telecommunications-related goals.

Contact William McLeod for RFP Information

16. ☒ Check here if there are any restrictions imposed by state or local laws or regulations on how and when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures. You may attach restrictions or give website where they are posted.

Must meet Nevada State Bidding Statutes

17. Purchases in future years: If you have current plans to purchase additional services in future years, describe them below (Providing this information is optional.)

18. Although the following services and facilities are ineligible for support, they are usually necessary if schools and libraries are to make effective use of the eligible services requested in this application.

(If your application is only for basic voice telephone service, check this box

☐ and go to Item 19. Otherwise, you must check at least one box in each of the other lines. You may provide details for purchases being sought.)



a. Desktop communications software: Software required ☒ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☐ adequate electrical capacity is in place or has already been arranged; and/or ☒ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☒ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☐ are being sought.

e. Staff development: ☐ all staff have had an appropriate level of training or additional training has already been scheduled; and/or ☒ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services or facilities you desire.

**19. Eligible Entities:** (Billed Entities.) If applicant is an individual school or a library or a school district or a library system that will receive only one bill, it should only fill in the first row of this chart. If applicant is a consortium of multiple billed entities, then it should fill out a row for each billed entity. (Applicant may attach additional pages.)

Billed Entity	Billed Entity's Zip Code	Billed Entity Code (Inserted by Administrator)	Zip Code(s) of Recipients of Service
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89301
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89801
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89822
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89825
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89826
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89830
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89832
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89833
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89834
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89835
ELKO COUNTY SCHOOL DISTRICT	89801	143437	89883

**20. Entities Ineligible for Schools and Libraries Discount:**

Name of Entity	Zip Code(s) of Recipients of Service	Contact Person	Phone Number, E-mail Address, or Alternative Preferred Contact Method
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a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or

b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school(including, but not limited to) elementary and secondary schools, colleges, and universities.

a. ☒ individual technology plans and/or

b. ☐ higher-level technology plans for using the services requested in this application(if those services consist of other than voice services).

a. ☒ Technology plan(s) has/have been approved; or

b. ☐ Technology plan(s) will be approved by a state or other authorized body; or

c. ☐ Technology plan(s) will be submitted to Schools and Libraries Corporation for approval.

24. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

25. ☒ I recognize that support under this program is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

26. ☒ I certify that I am authorized to submit this request on behalf of the above-named applicant, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

29. Printed name of authorized person  
William McLeod

30. Title or position of authorized person  
Director